

**Amendments to the Claims:**

This listing of claims replaces all prior listings, and versions, of claims in the present application.

**Listing of Claims:**

1. (Currently Amended). Apparatus for a radio communication system in which data is communicated between a first communication station and a second communication station upon a communication channel pursuant to a first communication service, said apparatus for selectably permitting communication of at least a first burst of data by the first communication station to the second communication station pursuant to a second communication service, said apparatus comprising:

a detector positioned at the first communication station, said detector for detecting closed-loop power control commands generated during the effectuation of the communication of the data pursuant to the first communication service and detected by said detector;

a measurer coupled to said detector, said measurer for measuring indications of the power control commands, during at least a selected time period generated during effectuation of the first communication service; and

a decision maker coupled to said measurer to receive values representative of measured indications, measured by said measurer of the indications of the power control commands, said decision maker for comparing the values of the measured indications with a threshold value, and for selectably generating a data communication permission command responsive to comparisons made thereat that indicate communication conditions to be at least as great as a selected level of favorability, the data communication permission command, when generated, granting permission to the first communication station to communicate the at least the first burst of the data pursuant to the second communication service. And otherwise, responsive to comparisons made thereat that indicate communication conditions to be less than the selected level of

favorability, the data communication permission command is not generated, thereby denying permission to the first communication station to communicate the at least the first burst of the data pursuant to the second communication service.

2. (Original) The apparatus of claim 1 wherein the closed-loop power control commands to which said detector is positioned to detect are of first values to indicate to the first communication station that communication-signal power levels are to be increased and are of second values to indicate to the first communication station that communication-signal power levels are to be decreased.

3. (Cancelled).

4. (Previously Presented) The apparatus of claim 1 wherein communications effectuated pursuant to the first communication service include communications effectuated by way of a dedicated air interface link and wherein communication of the at least the first burst of data, permitted responsive to generation of the data communication-permission command by said decision maker, is effectuated pursuant to the second communication service.

5. (Previously Presented) The apparatus of claim 4 wherein the second communication service, pursuant to which the communication of the at least the first burst of data is permitted responsive to generation of the data communication-permission command by said decision maker, comprises a data delivery service.

6. (Previously Presented) The apparatus of claim 5 wherein the data burst delivery service comprises a WAP (wireless application protocol)-based service and wherein the at least the first burst of data, communication of which is selectably permitted responsive to comparisons made by said comparator, comprises a WAP-protocol data.

7. (Previously Presented) The apparatus of claim 5 wherein the data delivery service comprises an IP (internet-protocol)-formatted delivery service and wherein the at least the first burst of data, communication of which is selectably permitted responsive to comparisons made by said decision maker, comprises an IP-formatted data burst.

8. (Previously Presented) The apparatus of claim 7 wherein the radio communication system comprises a cellular communication system which provides for SMS (short message service) messaging, and wherein the IP-formatted data burst, communication of which is selectably permitted responsive to comparisons made by said decision maker, comprises an SMS message.

9. (Previously Presented) The apparatus of claim 7 wherein the IP-formatted data burst comprises a GUTS (Generalized UDP Transport Service)-formatted service and wherein the IP-formatted data burst, communication of which is selectably permitted responsive to comparisons made by said decision maker, comprises a GUTS-formatted data burst.

10. (Original) The apparatus of claim 1 wherein the radio communication system comprises a cellular communication system operable pursuant to a CDMA (code-division, multiple-access) communication scheme, wherein the first communication station comprises a cellular-system base transceiver station and the second communication station comprises a cellular-system mobile station, and wherein the closed-loop power control commands to which said detector is coupled to receive are communicated by the mobile station to the base transceiver station.

11. (Original). The apparatus of claim 1 wherein said measurer comprises a summer for summing together values of the power control commands during the at least the selected time period.

12. (Original). The apparatus of claim 11 wherein a plurality of the power control commands are communicated to the first communication station during the selected time period.

13. (Original). The apparatus of claim 12 wherein the power control commands comprise binary values indicative, alternately, of power-up and power-down commands and wherein sums summed by said summer define average power control commands during the selected time period.

14. (Previously Presented). The apparatus of claim 13 wherein the threshold value with which the summed values formed by the summer of which said measurer is comprised is selected such that summed values that exceed the threshold value prevents generation of the data communication-permission command.

15. (Original). The apparatus of claim 14 wherein the data communication permission command is generated when the summed values are less than the threshold value.

16. (Currently Amended) a A method for communicating in a radio communication system in which data is communicated between a first communication station and a second communication station upon a communication channel pursuant to a first communication service, said method for selectably permitting communication of at least a first burst of data by the first communication station to the second communication station pursuant to a second communication service, said method comprising:

detecting, at the first communication station, closed-loop power control commands communicated to the first communication station by the second communication station during effectuation of communication of the data pursuant to the first communication service;

measuring indications of the power control commands generated during the effectuation of the communication of the data pursuant to the first communication service and detected during said operation of detecting during at least a selected time period;

comparing values of the indications measured during said operation of measuring of the power control commands generated pursuant to effectuation of the first communication service with a threshold value; and

selectably generating a data communication permission command responsive to comparisons made during said operation of comparing the data communication permission command that indicate communication conditions to be at least as great as a selected level of favorability, when generated, granting permission to the first communication station to communicate the at least the first burst of the data pursuant to the second communication service. And otherwise, responsive to comparisons made thereat that indicate communication conditions to be less than the selected level of favorability, not generating the data communication permission command, thereby denying permission to the first communication station to communicate the at least the first burst of data pursuant to the second communication service.

17. (Cancelled)

18. (Previously Presented) The method of claim 16 wherein communication of the at least the first data burst, selectably permitted responsive to generation of the communication permission command generated during said operation of selectably generating, is communicated pursuant to a data burst delivery service.

19. (Original) The method of claim 16 wherein said operation of measuring comprises summing together values of the indications of the power control commands during the selected time period.

20. (Original) The method of claim 16 wherein the data communication permission command is generated during said operation of selectably generating when the values of the indications of the power control commands are beneath the threshold value.